



Attorney's Docket No. 3477-89

PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Egan et al.  
Serial No.: 09/674,237  
Filed: July 24, 2001  
For: *ESE GENES AND PROTEINS*

Group: 1642

Examiner A. Caputa

Date: November 4, 2002

Commissioner for Patents  
Washington, DC 20231

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**Response to Incomplete Restriction Requirement**

Sir:

Applicants are responding to the Restriction Requirement dated October 2, 2002 in connection with the above-reference application. Applicants respectfully submit that the Restriction Requirement is incomplete in that it does not address all of the pending claims.

The Restriction Requirement restricts Claims 1-49 into thirty-one groups of claims. Claims 1-58 are currently pending in this application as indicated on the Office Action Summary sheet; however, Claims 50-58 (added by Preliminary Amendment filed concurrently with the application) are not substantively addressed.

Accordingly, it is respectfully requested that a new Restriction Requirement be issued, addressing Claims 1-58. It is further requested that the period for reply be reset following the issuance of the new Restriction Requirement in the present Restriction Requirement.

Applicants' representative discussed this matter with Examiner Caputa on November 1, 2002. Examiner Caputa suggested that that this response be filed requesting that a new Restriction Requirement be issued and that the time period for reply be reset.

Applicants are re-submitting herewith a copy of the Preliminary Amendment adding Claims 50-58 as well as a copy of the returned and dated postcard that accompanied the initial submission of the Preliminary Amendment.

Should the Examiner have any questions or concerns regarding this matter, it is respectfully requested that the Examiner contact the undersigned representative.

Respectfully submitted,

*Karen Magri*  
Karen A. Magri  
Registration No. 41,965

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Enclosures: Copy of Preliminary Amendment  
Copy of returned and dated postcard

**Customer Number:**



**20792**

PATENT TRADEMARK OFFICE

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on November 4, 2002.

*Sloan Hobbs*

Sloan Hobbs



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PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Application of Egan et al.  
Serial No.: To be Assigned  
Filed: Concurrently Herewith  
For: *ESE GENES AND PROTEINS*

*copy*

Date: October 27, 2000

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Washington, DC 20231

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Preliminary Amendment

Please amend the above-referenced application as follows prior to substantive examination.

In the Specification.

After the title, please insert the following:

--Related Application Information

This application claims the benefit under 35 U.S.C. § 371 from PCT Application No. PCT/CA99/00375, filed April 27, 1999, the disclosure of which is incorporated by reference herein in its entirety, which claims the benefit of Canadian Application Serial No. 2,230,201, filed April 27, 1998 and U.S. Provisional Application Serial No. 60/118,739, filed February 5, 1999, the disclosures of which are incorporated by reference herein in their entirety.--

In the Claims.

Please amend the claims as follows.

9. (Amended) A recombinant vector comprising the isolated nucleic acid of claim 1 [any of the preceding claims].

19. (Amended) A process for recombinantly producing murine Ese1 protein comprising culturing a host cell comprising a recombinant vector comprising